

LOS ANGELES COUNTY
Office of Independent Review

4900 SOUTH EASTERN AVENUE, SUITE 204
COMMERCE, CALIFORNIA 90040
TELEPHONE (323) 890-5425
www.loir.com

MICHAEL J. GENNACO

ROBERT MILLER

JULIE RUHLIN

CYNTHIA L. HERNANDEZ

ANGELICA A. ARIAS

DIANA M. TERAN

BITA SHASTY

WALTER W. KATZ

September 18, 2013

Chairman Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

RE: LASD Deputy Involved in Multiple Prior Shootings Returned to Field

On September 9, 2013, two deputies were involved in a fatal shooting in East Los Angeles. The Homicide Bureau of the Sheriff's Department immediately began an investigation into the shooting. OIR rolled to the shooting, participated in a walk-through of the shooting, and will continue to monitor that investigation. However, since that time OIR has learned that the September 9 shooting is the seventh time that one of the involved deputies has been involved in a shooting.

After the deputy's fifth shooting, which occurred on August 1, 2008, he was removed from the field. However, eventually the deputy transferred to the COPS team and returned to the field. After the deputy's sixth shooting, which occurred on October 19, 2011, LASD disciplined the deputy for tactical deficiencies and again removed the deputy from the field. However, OIR has been recently informed that earlier this year the deputy complained to the then Undersheriff about not being able to work in the field. The then Undersheriff instructed the unit to return the deputy to the field. He was then returned to a field assignment. OIR was not aware that he had been returned to a field assignment until after the September 9, 2013 shooting.

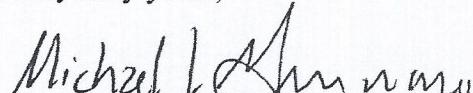
The Sheriff has been a proponent of giving strong consideration toward removing deputies from field assignments when their record of being involved in multiple shootings and/or committing grave tactical errors suggests such a transfer is warranted. In this case, the then Undersheriff did not consult with the Sheriff before ordering the deputy returned to the field.

When the September 9, 2013 shooting occurred, the deputy was not working for his unit but was working an overtime assignment for East Los Angeles Station. COPS apparently approved the overtime request for the deputy to work at ELA. The captain of East Los Angeles Station was not aware of the deputy's prior shooting history when he authorized the deputy to work overtime at his station.

OIR is concerned about the decision to return the deputy to the field, considering his record of being involved in numerous past shootings. This case illustrates the need for more work to be done on developing formal processes to determine whether deputies who are involved in multiple shootings should be retained in field assignments. More importantly, once a determination has been reached to remove a deputy from the field because of multiple shootings or poor tactics, protocols should be developed so that any request to revisit that decision is thoughtful, deliberate, and well-considered, with personal involvement of the Sheriff. We look to LASD for continued work on this matter and understand that such work has already commenced.

Please contact me if you have any questions about the matters discussed in this correspondence.

Very truly yours,



MICHAEL J. GENNACO
Chief Attorney
Office of Independent Review

cc: Carl Gallucci, Justice Deputy, Supervisor Don Knabe
Anna Pembedjian, Justice Deputy, Supervisor Michael D. Antonovich
Sergio Vasquez, Justice Deputy, Supervisor Gloria Molina
Michelle Cervera, Justice Deputy, Supervisor Gloria Molina
Joseph P. Charney, Justice Deputy, Supervisor Zev Yaroslavsky
Alex Johnson, Deputy for Public Safety and Education, Supervisor Mark Ridley-Thomas
Vince Harris, Senior Policy Advisor and Special Assistant, Supervisor Mark Ridley-Thomas

William T Fujioka, Chief Executive Officer, County of Los Angeles

John F. Krattli, County Counsel, Office of the County Counsel
Roger Granbo, Assistant County Counsel, Office of the County Counsel

Leroy D. Baca, Sheriff, Los Angeles County Sheriff's Department
Roberta Abner, Chief, Internal Investigations Division, LASD
Robert Denham, Commander, LASD, Chair of Executive Force Review Committee
Rick Brouwer, Legal Advisor, Advocacy Unit